



Should there be a legal right to die?

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Imagine a society in which patients are routinely euthanized—whether they want their lives to end or not—if their suffering cannot be alleviated without dulling their consciousness, eliminating their independence, or threatening their dignity. In such a society, defenders of the status quo might argue that the duty to prevent suffering and indignity makes the policy imperative. A compelling response would be that, while suffering, indignity, and loss of independence are undesirable, only the person enduring them should decide whether they are unbearable. If a patient is competent to decide, nobody other than that patient should have the authority to decide whether life is worth continuing.

The very same argument, however, can be advanced against the current practice, prevalent in most countries, of prohibiting people from seeking assistance to end their lives. Although some people might decide that the suffering and indignity that characterize their lives are not sufficiently bad to make life not worth continuing, other people in the same situation will deem their condition unbearable. Just as it would be wrong to force people to die, so is it wrong to force people to endure conditions that they find to be unbearable.

The decision about whether to continue living in such conditions is among the most important that can be made. Just as people value having control over where to live, which occupation to pursue, whom to marry, and whether to have children, so people value having control over whether to continue living when quality of life deteriorates. That is why the right to life and the right to die are not two rights, but two aspects or descriptions of the same right. The right to life is the right to decide whether one will *or will not* continue living. The right to die is the right to decide whether one will die (when one could continue living). If the right to life were only a right to decide to continue living and did not also include a right to decide not to continue living, then it would be a *duty* to live rather than a *right* to life. The idea that there is a duty to continue living, regardless of how bad life has become, is an implausible one indeed.

The right to die requires clarification. It need not be a right to assistance in ending one's life. Instead, it need only amount to a right not to be prevented from gaining assistance in ending one's life. This distinction is crucial. If the right to die were a right to positive assistance, then others would do wrong if they failed to help. What is worrying about such a rights claim is that it could impose on those who have moral qualms concerning euthanasia or assisted suicide a duty nonetheless to help others die. That claim is more controversial. Thus, the right to die need be interpreted only as a right not to be prevented from being assisted by those who are willing to help. In other words, those who think assisted suicide and euthanasia are immoral should not be forced to (help) kill others. However, they should similarly not be allowed to prevent others from giving assistance to those who have reasonably determined that their lives are not worth continuing. Nobody should be forced to assist, nor forced not to assist.

Some might ask why assistance is necessary. If people want to die, why can they not just kill themselves? There are, in fact, good reasons that assistance may be either necessary or desirable. In some situations, people have become so weak or debilitated that they are quite literally unable to kill themselves. If people have no option of assistance, they might be forced to kill themselves before they feel that life has become unbearable, only because they know that they will be unable to obtain assistance at a later stage, once their condition deteriorates. Even people who are able to kill themselves might prefer the assistance of others, and especially medically trained people. This is because killing oneself can be a messy, undignified, or unduly painful act, and an act that might unnecessarily impose on others. Throwing oneself in front of a train or off a bridge, for example, can cause considerable trauma to others, and those are gruesome ways to die. An overdose could lead to a more dignified death, but laypeople often know too little about how reliably to end their lives that way. Failing to overdose properly or being found before death has occurred could leave a person in a vegetative condition, which is exactly what that person might have been seeking

to avoid. With the assistance of a caring, competent doctor, people can arrange to die at a chosen time, in privacy and with dignity. It is thus fully understandable that people might prefer this option to taking their own lives unassisted.

A few jurisdictions currently permit assisted suicide or euthanasia, but most do not. Some of the former jurisdictions restrict assisted suicide or euthanasia to their own citizens or residents, but Switzerland allows foreigners to make use of its life-ending facilities. The problem, of course, is that a trip to Switzerland imposes many obstacles for people suffering elsewhere. Some might be too sick to make the trip. Others might lack the resources to get to Switzerland. Even those who could access the Swiss facilities might have to travel and die alone because any family member who accompanies them could be charged in their home country with assisting in a suicide. And even in the absence of that jeopardy, patients have to travel, often great distances, to die in a foreign place rather than in familiar surroundings. For those reasons, the fact that assistance in dying is available *somewhere* is not an excuse for not making it available everywhere.

Killing people or helping them to kill themselves is usually wrong, because continued life is, we assume, usually in those people's interest. It is extremely

implausible, however, to think that continued life is *always* in a person's interest. Quality of life can fall to abysmal levels. While there can be reasonable disagreement about how poor the quality must be before life is not worth continuing, it is an indecent imposition on people—an unconscionable violation of their liberty—to force them to endure a life that they have reasonably judged to be unacceptable. Accordingly, it is incumbent on liberty-respecting states to allow assisted suicide or euthanasia for those whose lives have become a burden to themselves^a.

^a For more detailed arguments, see:
 Benatar D. Suicide: a qualified defence. In: Taylor JS, ed. *The Ethics and Metaphysics of Death: New Essays*. New York: Oxford University Press; [in press].
 Benatar D. Assisted suicide, voluntary euthanasia, and the right to life. In: Yorke J, ed. *The Right to Life and the Value of Life: Orientations in Law, Politics and Ethics*. Farnham, U.K.: Ashgate; 2010: 291–310.

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